HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.6367 of 2006

29-03-2006

Between:

Smt. K.Sarala and others.

… Petitioners.

And

Municipal Corporation of Hyderabad

Rep. by its Commissioner, CC building,

Tank bund road, Hyderabad and others.

… Respondents

HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.6367 of 2006

ORDER:

It is the case of petitioners that the third respondent had constructed the residential complex by name Vishnu Residency, Gandhi Nagar, Hyderabad, in an area admeasuring 1,600 square yards by obtaining Permit No.77/7 in File No.326/TP3/96 dated 02-06-1997 for construction of parking plus five upper floors. The Municipal number of the complex is stated to be 1-1-770/A, Gandhi Nagar, Hyderabad.

It is the further case of petitioners that they had purchased Flat Nos.102 and 103 in B-Block situated on the ground floor of Vishnu Residency, which comprises of a total of 123 flats and there are 32 flats in B-Block. It is alleged by the Corporation that the petitioners have made further construction in deviation of the original permit by way of certain projection in the open area. The petitioners state that there are no complaints whatsoever from the other flat-owners or the builder and it is not causing

any inconvenience to the public, but the respondent Corporation without issuing any notice demolished the said projection.

In the above circumstances, I am not inclined to decide whether or not the petitioners have constructed the projection in deviation from the sanctioned plan and it is causing inconvenience to the other flat owners. However, the respondents cannot demolish the alleged deviations/projection without issuing any notice and giving reasonable opportunity to the petitioners.

Accordingly, the respondent Corporation is directed to issue notice to the petitioners pointing out the deviations/further constructions made by them and then only the Corporation can take further action in accordance with law.

The writ petition is accordingly disposed of at the stage of admission.

29-03-2006

Note:

Furnish copy by 31-03-2006

(b/o)

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